

REMARKS

Reconsideration and allowance of the present application are respectfully requested. By this communication, claims 1-4 have been amended. Support for the subject matter recited in claims 1-4 can be found variously throughout the Specification, for example, at paragraph [0012]. Claims 1-9 remain pending.

As a preliminary matter, Applicant notes that the Examiner failed to acknowledge the consideration of pending claims 5-9. Applicant submits that these claims should have been considered because they have not been cancelled nor have they been subject to a restriction or election requirement. Applicant respectfully requests consideration and allowance of claims 5-9 in the next communication.

In numbered paragraph 2 on page 2 of the Office Action, claims 1-4 are rejected under 35 U.S.C. §102(e) as anticipated by *Pozgay et al.* (U.S. Patent No. 7,079,815). Applicant respectfully traverses this rejection.

As variously exemplified in Figures 1-4d, a radar system includes a first switch 105, amplifiers 110a-c, and a second switch 115. A switch controller 140 controls the first and second switches 105 and 115 for the transmission and reception of a signal. When a signal is to be transmitted, the first and second switches are set by the switch controller 140 to a first position. After a predetermined amount of time, a multiplexing of the first and second switch is timed with a radar pulse generation and reception to allow for reflective target return processing. After a predetermined amount of time has passed the first and second switches are set to a second switch position for processing of the received return signal.

The exemplary embodiments are broadly encompassed in claims 1 and 8, which similarly recite, among other elements, that a switch controller is programmed to adjust a position of the first and second switches so that the antenna is connected to the transmit or receive path after a predetermined amount of time has elapsed since a prior adjustment.

The *Pozgay* patent discloses a microwave transceiver having transmit/receive switches. Each switch includes a common port for connecting to an antenna element, a transmit port, a receive port, and a matched port. The transceiver also includes a gain/phase control unit 22 that provides a control signal to the switches to enable the transmission or reception of RF energy. The *Pozgay* patent, however, fails to disclose or suggest that the gain/phase control unit 22 switches between the transmit or return path of the transceiver after a predetermined amount of time has elapsed. Absent this teaching or suggestion, Applicant submits that independent claim 4 is not anticipated.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. See Verdegall Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Pozgay* fails to disclose, teach, or suggest every element recited in independent claim 2. For at least this reason, Applicant requests that the rejection under 35 U.S.C. §102 be withdrawn, and claim 2 and its various depending claims be allowed.

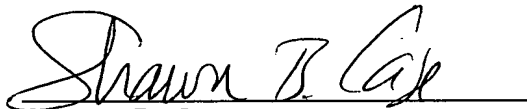
Based on at least the foregoing amendments and remarks, Applicant submits that claims 1-9 are allowable, and this application is in condition for allowance. Accordingly, Applicant requests a favorable examination and consideration of the instant application. In the event the instant application can be placed in even better form, Applicant requests that the undersigned attorney be contacted at the number below.

Respectfully submitted,

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